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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/253,944	02/22/99	NARISAWA	F 381NP/47598

	EXAMINER
	INGBERG, T

TM02/0619

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ART UNIT	PAPER NUMBER
2122	

DATE MAILED:

06/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/253,944	Applicant(s) Fumio Narisawa et al.
	Examiner Todd Ingberg	Art Unit 2122

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

P riod for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____3____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Feb 22, 1999* .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-10* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    a) ☒ All b) ☐ Some* c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *3*

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

DETAILED ACTION

Claims 1- 10 have been examined.

Priority

1.   Acknowledgment is made of applicant's claim for foriegn priority under 35

U.S.C. 119(a)-(d). The certified copy of Japenese Patent # 10-38329 is present. The priority date

is February 20, 1998 (2/21/1998 Saturday in U.S.A.).

Drawings

2.   Formal drawings were approved by Draftsperson as indicated on PTO form 948.

Information Disclosure Statement

3.   The information disclosure statement filed February 22, 1999 fails to comply with the

provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it is not in English. It has been placed

in the application file, but the information referred to therein has not been considered as to the

merits. Applicant is advised that the date of any re-submission of any item of information

contained in this information disclosure statement or the submission of any missing element(s)

will be the date of submission for purposes of determining compliance with the requirements

based on the time of filing the statement, including all certification requirements for statements

under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1). The Examiner made an inquiry to the Science

and Technology Information Center (STIC) library as to the availability of a transalated version

of the document. No translation is currently available. Examiner requests a translated version (37

CFR 1.98 (c)) be submitted for consideration.

Examiner did make an attempt to locate a translated version of the Japenese Patent on the

World Wide Web (WWW). However, the information the Examiner was able to locate was

extremely slow and the results would not be able to be gurenteed by the USPTO as a proper

translation. The Examiner provides the following links the Japenese Patent Office. The

suggestion to search and print the contents during non peak times might yield better performance

results than the Examiner achieved.

Web Page in English to get to Japenese Patents tanslated into English

        http://www.ipdl.jpo.go.jp/homepg_e.ipdl

Web Page the Examiner beleives had the correct Patent number displaying as a link to the

translated form

        http://www1.ipdl.jpo.go.jp/PA1/cgi-bin/PA1NUMBER

From this starting point Applicant might be able to short cut the submitting of the translated

patent.

Other Japanese Patents of the Assignee that look relevant are 10-038329, 09-198485, 07-

266794,07-241319, 07-119537 and 07-122,158. The Examiner experienced difficulty printing

these translations as well. In the event the Applicant believes these are relevant the they should

consider placing them on an IDS.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5.   Claims 1- 10 are rejected under 35 U.S.C. 102(a,e) as being anticipated by USPN

6,230,314 B1 Sweeney et al (referred to as **Sweeney**).

Claim 1

Sweeney anticipates a software generation system comprising: a specification analysis means

which analyzes an object-oriented specification for deriving specification information; a function

removing means which checks said specification information derived by said specification

analysis means by collating with a function removal rule which is predetermined, and removes a

function which becomes unnecessary from a set of object-oriented functions, for generating

program information excluding the unnecessary function; and a code generation means for

generating a code according to said program information obtained by said function removing

means (**Sweeney** , Abstract).

Claim 2

A software generation system according to claim 1, wherein said function removing means removes a function of a virtual function according to said function removing rule (**Sweeney** , Abstract).

Claim 3

A software generation system according to claim 1, wherein said function removing means removes a function of dynamic generation (or installation) of an instance according to said function removing rule.(**Sweeney** , Abstract).

Claim 4

A software generation system according to claim 1, wherein said function removing rule comprises: an input pattern including an object name and a method name; a pattern which indicates an object-oriented function, and whether "to use" or "not to use" said object-oriented function; and an output pattern including output code generation patterns with said object-oriented function being used and not used.(**Sweeney** , Abstract - Please note although Sweeney does not use the word PATTERN. By definition a pattern is a class and any reusable architecture that experience has shown to solve a common problem in a specific context).

Claim 5

Sweeney anticipates a software generation system comprising: an input means for inputting a specification described as diagrammatic information, and selecting an object-oriented function to utilize; an analysis means for analyzing said specification entered via said input means (**Sweeney**, Abstract, Figures 7 - 20, 23-25, and col 6lines 27 -56) ; a function selection means

which outputs pattern information for use in generating a code on the basis of a result of analysis by said analysis means and according to said object-oriented function selected (**Sweeney**, Abstract); and a code generation means for generating a program code of said specification analyzed according to the pattern information output from said function selection means (**Sweeney**, Abstract).

Claim 6

A software generation system according to claim 5, wherein said function selection means selects exclusively a function of a virtual function, and said code generation means generates a code using the function of said virtual function exclusively selected as per claim 5.

Claim 7

A software generation system according to claim 5, wherein said function selection means selects exclusively a function of dynamic installation of an instance, and said code generation means generates a code using the function of dynamic installation of said instance exclusively selected as per claim 5.

Claim 8

A software generation system comprising: a specification analysis means which analyzes an object-oriented specification for deriving specification information; an analysis result display means for displaying a status of use of an object-oriented function from said specification information; an input means whereby to select an object-oriented function to utilize; a function memory means for storing a function selected via said input means; a program information

generation means for generating program information on the basis of said specification

information derived by said specification analysis means and using said function selected and

stored in said memory means; and a code generation means for generating a code on the basis of

said program information obtained by said program generation means as per claim 5.

Claim 9

A software generation system according to claim 8, wherein said analysis result display means

displays a method of a plurality of process methods which is not used (**Sweeney,** Figures 19-22,

col 6, lines 27-56).

Claim 10

A software generation method comprising the steps analyzing an object-oriented specification

entered; generating program information using object oriented functions without unnecessary

functions according to a predetermined function removing rule; and generating a code of said

specification analyzed on the basis of said program information (**Sweeney,** Abstract and Figure

7).

Conclusion

6.   The Sweeney reference explicitly states it is for the programming language C++. This

language is an ANSI standard language and all features of this standard language can be drawn

on to support the rejection. Applicant should take this under consideration when formulating a

response to this office action. The Sweeney reference should be taken as a whole.

Correspondence Information

7.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to **Todd Ingberg** whose telephone number is **(703) 305-9775.** The

Examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's**

Supervisor, Mark Powell can be reached at **(703) 305-9703.** Any response to this office action

should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231 or faxed**

to: (703) 308-9051, (for formal communications intended for entry) Or: **(703) 308-1396,** (for

informal or draft communications, please label "PROPOSED" or "DRAFT") **Hand-delivered**

responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia,**

(Receptionist located on the sixth floor).

Todd Ingberg

June 17, 2001

MARK R. POWELL
SUPERVISORY PATENT EXAMINER
GROUP 2700